THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.3240 OF 2006

DATED: 23-01-2007

BETWEEN

Putta Madhusudhana Rao,
R/o. Atcha Rao, Occ: Business,
R/o. Door No.16-4-111/1, Samalkot,
East Godavari District and others.

...PETITIONERS

AND

Deputy Superintendent of Police,
Kakinada, East Godavari District
and others.

...RESPONDENTS

ORDER:

This writ petition has been filed seeking a Writ of Mandamus to declare the action of the respondents 1 to 3 in calling the petitioners to the police station as illegal and arbitrary and to direct them not to harass the petitioners by calling them to the police station.

2. Petitioners submit the first petitioner along with the fourth respondent and others did finance business under the name and style of M/s. Venkateswara Finance Corporation and the respondents 4 and 5 borrowed some amounts in their personal capacity and thereafter the second respondent started harassing the petitioners day in and day out for payment of the amounts, which being purely a civil litigation. It is further submitted that the police is unnecessarily interfering with the civil rights of the petitioners and harassing them by calling them to the police station.

3. Counter has been filed stating that the official respondents never harassed the petitioners at any point of time and neither the first petitioner nor his family members were ever threatened and all the allegations of the petitioners have been denied. It is further stated the no complaint has been filed against the petitioner at any point of time and he was never called to the police station and the official respondents never interfered with the civil disputes. It is further stated that as no complaint has been lodged against the petitioner the question of calling him to the police station does not arise.
The allegations that the respondents 1 to 3 called him to the police station at the instance of the fifth respondent and forced him to pay back the amounts claimed by the unofficial respondent No.5 and that he was threatened to settle the matter in the police station were denied.

4. In view of the aforesaid counter, I am of the opinion that the disputed questions of fact cannot be decided in a writ petition and if really there is any such interference by the police with regard to the civil litigation, it is always open to the petitioners to take appropriate action in accordance with law. Therefore, I do not see any grounds to issue orders in the writ petition.

The writ petition is accordingly dismissed with a liberty to the petitioners to take appropriate action in accordance with law.
There shall be no order as to costs.

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V. ESWARAIAH, J

January 23, 2007
DSK